IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.13805 of 2006

DATE OF DECISION: August 31, 2006

Jaswinder Singh

….Petitioner

VERSUS

State of Punjab and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S.BHALLA

PRESENT: Shri Amrik Singh, Advocate for the petitioner.

Viney Mittal,J.(Oral).

Notice of motion to the respondents.

On the asking of Court, Shri B.S.Chahal, Assistant Advocate General, Punjab accepts notice on behalf of the respondents.

Copies of the writ petition have been supplied to the learned counsel for the respondents.

The petitioner has challenged the order dated June 19,2006 (Annexure P.3) whereby the pay of the petitioner has been ordered to be refixed and a recovery has been ordered against him after withdrawing the benefit of higher pay scales given to the petitioner with effect from January 1, 1998 after completion of 14 years of his regular service. It has been maintained by the petitioner

that before the aforesaid action had been taken and the impugned order passed, neither any opportunity of hearing was granted to the

petitioner nor any show cause notice was served . Consequently, it has been maintained that the aforesaid action of the respondents is in violation of the principles of natural justice.

After taking into consideration the averments made in the present petition and on perusal of the order Annexure P.3, we find that the grievance made by the petitioner is wholly justified.

Consequently, we allow the present petition and quash the order dated July 19,2006 (Annexure P.3).

However, the respondents would be at liberty to pass a fresh order against the petitioner, if so advised, after issuing a show cause notice to the petitioner at the first instance and after taking into consideration the reply so filed by the petitioner.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

August 31,2006
KD

(H.S. Bhalla)
Judge